

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

FIVE STAR BANK,

*Plaintiff,*

v.

KATHERINE MOTT; ROBERT HARRIS; KRM EVENTS, LLC; KATHERINE'S ON MONROE, LLC; THE DIVINITY ESTATE AND CHAPEL, LLC; KNC ELEGANCE, LLC D/B/A THE WINTERGARDEN BY MONROES; 11 WEXFORD GLEN, LLC; RCC MONROES LLC; NAF REMODELING LLC; MONROES AT RIDGEMONT LLC CRESCENT BEACH AT THE LAKE LLC; MOTT MANAGEMENT LLC,

*Defendants.*

---

CASE NO. 6:24-CV-06153-FPG

**NOTICE OF MOTION FOR  
APPROVAL TO RETAIN  
PROFESSIONAL  
ASSISTANCE**

PLEASE TAKE NOTICE that, pursuant to this Court's Order Appointing Receiver Over the Defendant Entities (ECF Dkt. No. 39), entered by this Court on April 8, 2024, Court-appointed Receiver, Mark R. Kercher, by and through Harter Secrest & Emery LLP, hereby moves this Court for an Order approving his request to retain an assistant and a law firm to assist him in the performance of his Court-prescribed duties in connection with the management of the Entity Defendants' operations and financial affairs.

In light of the circumstances set forth in the accompanying declaration, Respondent respectfully requests that the Court's consideration and determination of this request be performed as expeditiously as possible and without the need for formal motion practice. But should motion practice or an appearance or argument be required, the Receiver will make himself available at the Court's convenience at a return date set by the Court.

In support of this motion, the Receiver submits his own declaration, dated May 9, 2024, with Exhibits A and B.

**Dated:** May 9, 2024

Respectfully submitted,

HARTER SECREST & EMERY LLP

By:



---

John G. Horn, Esq.  
50 Fountain Plaza, Suite 1000  
Buffalo, New York 14202-2293  
(716) 853-1616

**CERTIFICATE OF SERVICE**

I hereby certify that, on March 11, 2024, I served the foregoing document on David H. Ealy, counsel for all Defendants, via UPS Overnight Delivery and email to the following address and email:

David H. Ealy  
Trevett Cristo  
2 State Street, Suite 1000  
Rochester, NY 14614  
[dealy@trevettcristo.com](mailto:dealy@trevettcristo.com)



John G. Horn, E